

**LEE LITIGATION GROUP, PLLC**

148 WEST 24<sup>TH</sup> STREET, EIGHTH FLOOR  
NEW YORK, NY 10011  
TEL: 212-465-1180  
FAX: 212-465-1181  
INFO@LEELITIGATION.COM

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 7/5/2023
---

WRITER'S DIRECT: (212) 465-1188  
cklee@leelitigation.com

July 3, 2023

**Via ECF**

The Honorable Barbara C. Moses, U.S.M.J.  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

Re: *Lopez v. Thermo Tech Mechanical, Inc., et al.*  
Case No.: 20-cv-9113 (LTS) (BCM)

Dear Judge Moses:

We are counsel for Plaintiff and write to request the Court's intervention regarding Defendants' failure to comply with Your Honor's Order granting, in part, Plaintiff's request for class-wide discovery, dated May 31, 2023 [Dkt. No. 92]. As of the date of this letter, Defendants have not produced any documents responsive to Plaintiff's class-wide discovery requests.

Per the Court's Order [Dkt. No. 92], Defendants' production of class-wide documents responsive to Plaintiff's discovery requests were due by June 30, 2023. Following the Court's entry of this Order, on June 14, 2023, counsel for Defendants Jason Mizrahi, Esq., and counsel for Plaintiff James Jackson, Esq., met and conferred by telephone for approximately 10 minutes to discuss Defendants' class-wide production in light of the Court's Order. On the call, counsel for Defendants indicated that he had informed Defendants of the Order requiring them to produce class-wide documents and the date by which such production was due. Counsel for Defendants further indicated that he did not anticipate any delays with such production.

As of the date of this correspondence, Defendants have not complied with Your Honor's Order, but instead have contacted counsel for Plaintiff seeking to further delay producing the class-wide documents per Your Honor's Order.

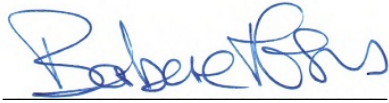
In view of the foregoing, we request that: (i) Your Honor re-issue an Order for Defendants to comply with their outstanding discovery obligations by July 10, 2023; and (ii) for such further relief as the Court deems appropriate. We thank the Court for Its attention to this matter.

Respectfully submitted,

/s/ C.K. Lee  
C.K. Lee, Esq.

cc: all parties via ECF

Application DENIED. Plaintiff has failed to report "the position of [the] adverse party" as to the schedule for production. *See* Moses Ind. Prac. ¶ 2(b). Defendants shall respond no later than **July 10, 2023**. *See id.* ¶ 2(e). If the parties have agreed upon an extended production date, defendants shall so state. SO ORDERED.

A handwritten signature in blue ink, appearing to read "Barbara Moses", written over a horizontal line.

Barbara Moses  
United States Magistrate Judge  
July 5, 2023